

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CR 12-2006 RB

CORINA CHAVEZ,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court on Ms. Chavez’s Reconsideration Motion for Sentence Reduction. (Doc. 758.) The Court denied Ms. Chavez’s original motion because the factors set forth in 18 U.S.C. § 3553(a) weighed against a reduction. (Doc. 754.) Ms. Chavez again asks the Court to grant her a “compassionate release” from her prison sentence due to the risk of the COVID-19 pandemic. (*See* Doc. 758.) Having carefully reviewed the record and applicable law, the Court will deny the motion.

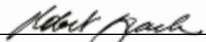
“Motions to reconsider are proper in criminal cases even though the Federal Rules of Criminal Procedure do not specifically provide for them.” *United States v. Christy*, 739 F.3d 534, 539 (10th Cir. 2014) (citations omitted). “A motion to reconsider may be granted when the court has misapprehended the facts, a party’s position, or the law.” *Id.* (citing *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000)). “Specific grounds include: ‘(1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice.’” *Id.* (quoting *Servants of Paraclete*, 204 F.3d at 1012 (internal citation omitted)). “A motion to reconsider should not be used to revisit issues already addressed or advance arguments that could have been raised earlier.” *Id.* (citing *Servants of Paraclete*, 204 F.3d at 1012).

Ms. Chavez does not point out “an intervening change in the controlling law,” offers no new evidence that was previously unavailable, and makes no argument that there was clear error or manifest injustice. *See id.* (*See also* Doc. 758.) The fact remains that, as explained in its September 16, 2020 Memorandum Opinion and Order (Doc. 754), “Ms. Chavez’s very serious criminal history, along with her age at the time of her conviction, weighs strongly against a reduction.” (*Id.* at 4.)

Accordingly, the Court will deny Ms. Chavez’s Motion to Reconsider.

THEREFORE,

IT IS ORDERED that the Reconsideration Motion for Sentence Reduction (Doc. 758) is **DENIED.**



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE